IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 82 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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COMMISSIONER OF INCOME-TAX

Versus

AMORA CHEMICALS PVT. LTD.

Appearance:

MR BB NAIK for the Petitioner

MR RK PATEL for the Respondent

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 28/08/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE D.A.MEHTA)

The following question of law has been referred to this Court at the instance of the Commissioner of Income-tax, Baroda, for Assessment Year 1982-83 :

"Whether, on the facts and in the circumstances of the case, the rental income from the Bank of Baroda was taxable under the head "business income" or "income from other sources"?"

2. It is common ground between the parties that the question is concluded by decision rendered by this Court in I.T.R. No. 79 of 1988 today and, hence, it is not necessary to set out the facts in detail.

3. The question referred is, therefore, answered in the affirmative, that is, in favour of the assessee and against the revenue.

The reference stands disposed of accordingly with no order as to costs.

(A.R. Dave, J.)

(D.A. Mehta, J.)

(hn)